

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GUCCI AMERICA, INC. and CHLOÉ SAS,

Plaintiffs,

-against-

HGL ENTERPRISES;
EZDESIGNERREPLICAS.COM,
DESIGNERREPLICAS.HIGHPOWERSITES.COM;
HENRY LEIZGOLD a/k/a ENRIQUE GOSMAN
LEIZGOLD; HERLINDA LEIZGOLD a/k/a LINDA
LEIZGOLD a/k/a HERLINDA PASAPERA; ABC
COMPANIES; and JOHN DOES,

Defendants.
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07 Civ. 5569 (RMB)

FINAL ORDER AND
JUDGMENT ON CONSENT

WHEREAS, plaintiffs Gucci America, Inc. ("Gucci") and Chloé SAS ("Chloé")
collectively "Plaintiffs") commenced this action by the filing of a complaint on June 11,
2007 (the "Complaint") against defendants HGL Enterprises, EZDesignerReplicas.com,
EZReplicas.HighPowerSites.com, Henry Leizgold a/k/a Enrique Gosman Leizgold,
Herlinda Leizgold a/k/a Linda Leizgold a/k/a Herlinda Pasapera, ABC Companies, and John
Does (collectively "Defendants"), alleging, *inter alia*, that Defendants are manufacturing,
importing, exporting, distributing, marketing, advertising, offering for sale and/or selling
goods bearing counterfeit reproductions of Plaintiffs' federally-registered trademarks, trade
names and/or logos; and

WHEREAS, this Court issued a Temporary Restraining Order and Order to Show
Cause on June 12, 2007 (the "June 12 Order") applicable to all Defendants setting forth
certain specified injunctive relief, providing for expedited discovery, and setting forth a

schedule for Plaintiffs' application to convert the Temporary Restraining Order into a preliminary injunction; and

WHEREAS, Plaintiffs have filed with the Clerk of the Court proofs of service of process; and

WHEREAS, counsel for HGL Enterprises, EZDesignerReplicas.com, DesignerReplicas.HighPowerSites.com, Henry Leizgold, and Herlinda Leizgold (the "Named Defendants") has appeared in this matter but not filed any opposition to the order to show cause why a preliminary injunction should not issue, as set forth in the June 12 Order or answered the Complaint in any way; and

WHEREAS, for the purposes of this Final Order and Judgment on Consent, "Plaintiffs' Marks" is defined to include all Plaintiffs' trademarks, trade names, logos, and other source-indicating indicia, as set forth in Plaintiffs' Complaint in this action; and

WHEREAS, for the purposes of this Final Order and Judgment on Consent, "Counterfeit Products" is defined to include all goods or services, including but not limited to handbags, wallets, and other luxury products, that make or made use of any of Plaintiffs' Marks without Plaintiffs' authorization or permission; and

WHEREAS, the Named Defendants hereby agree that: (a) they will no longer operate any of the websites at issue, and Plaintiffs confirm that the websites at issue have been rendered non-operational; (b) the Named Defendants will not be involved in any additional sales of Counterfeit Products or any other goods or services that make use of Plaintiffs' Marks; (c) all banks and other Financial Institutions (as the term is defined below) that maintain accounts, letters of credit, or other assets for or payable to the Named Defendants have the express permission of the Named Defendants to comply with this Court's orders and

discovery powers; and (d) the Named Defendants will provide to Plaintiffs all information and documents in their possession, custody, control, or means of obtaining through reasonable, good faith efforts concerning all sources of Counterfeit Products and the identities and activities of anyone who may have materially contributed to sales of Counterfeit Products whether through the websites named in the Complaint or otherwise; and

WHEREAS, the Named Defendants have consented to the issuance of a Final Order and Judgment as set forth below:

1. THEREFORE, IT IS HEREBY ORDERED that Defendants, including Defendants HGL Enterprises, EZDesignerReplicas.com, DesignerReplicas.HighPowerSites.com, Henry Leizgold a/k/a Enrique Gosman Leizgold, Herlinda Leizgold a/k/a Linda Leizgold a/k/a Herlinda Pasapera, are immediately PERMANENTLY ENJOINED AND RESTRAINED from:

- (a) manufacturing, distributing, delivering, shipping, importing, exporting, advertising, marketing, promoting, selling or otherwise offering for sale Counterfeit Products or any other products produced by Plaintiffs or confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;
- (b) making or employing any other commercial use of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark

confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;

- (c) using any other false designation of origin or false description or representation or any other thing calculated or likely to cause confusion or mistake in the mind of the trade or public or to deceive the trade or public into believing that Defendants' products or activities are in any way sponsored, licensed or authorized by or affiliated or connected with Plaintiffs; and
- (d) doing any other acts or things calculated or likely to cause confusion or mistake in the mind of the public or to lead purchasers or consumers or investors into the belief that the products or services promoted, offered or sponsored by Defendants come from Plaintiffs or their licensees, or are somehow licensed, sponsored, endorsed, or authorized by, or otherwise affiliated or connected with Plaintiffs; and
- (e) further diluting and infringing all Plaintiffs' Marks and damaging Plaintiffs' goodwill; and
- (f) otherwise competing unfairly with Plaintiffs or any of their authorized licensees in any manner; and
- (g) moving, returning, or otherwise disposing of, in any manner, any Counterfeit Products or any other products confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display, or utilize any of Plaintiffs' Marks, any derivation or colorable

imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks; and

- (h) secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting, or displaying of all unauthorized products which infringe Plaintiffs' Trademarks
- (i) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a) through (h), or effecting any assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (h).

2. IT IS FURTHER ORDERED that Defendants HGL Enterprises, EZDesignerReplicas.com, DesignerReplicas.HighPowerSites.com, and Henry Leizgold (collectively, the "Monetary Judgment Defendants") shall pay Plaintiffs a judgment in the amount of \$2 million in satisfaction of the claims made against them in this matter and as compensation for the injuries that their activities have caused to Plaintiffs, inclusive of costs.

3. IT IS FURTHER ORDERED that in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to provide final equitable relief, and the express consent granted herein by the Monetary Judgment Defendants, the following financial institutions (collectively "Financial Institutions") who receive actual notice of this order are, without

prior approval of the Court, directed to liquidate and provide to Plaintiffs all assets due and owing to the Monetary Judgment Defendants or any other entities acting in concert or participation with the Monetary Judgment Defendants: (i) any and all Bank of America accounts that are associated with or utilized by any of the Monetary Judgment Defendants; (ii) any and all Washington Mutual accounts that are associated with or utilized by any of the Monetary Judgment Defendants, including but not limited to Account Nos. 1962267233, 0971897867, 009700001897867, 0940928255, and 009400000928255; (iii) Wells Fargo Bank Account Nos. 0761014877, 0745537456, and 2012554432 but not Account No. 6467206741; and (iv) any and all PayPal accounts that are associated with or utilized by any of the Monetary Judgment Defendants, including but not limited to accounts associated with the following e-mail addresses: p5115@swbell.net; hglenterprises@hotmail.com; h2483@hotmail.com; enriqueleizgold@yahoo.com; hgl@yahoo.com; MOTHERLODE52@YAHOO.COM; framestarl@hotmail.com; lordhenry9@yahoo.com; and leizgold@swbell.net.

4. IT IS FURTHER ORDERED that the provision of this Court's June 12, 2007 Order requiring Plaintiffs to post a bond is hereby lifted, the bond issued in this matter on June 12, 2007 and filed with the Clerk of the Court on June 14, 2007 shall be and hereby is dissolved, and Plaintiffs need not post any further bond with the Clerk of the Court.

5. IT IS FURTHER ORDERED that this lawsuit is dismissed with prejudice as to Defendants HGL Enterprises, Henry Leizgold, EZDesignerReplicas.com, and DesignerReplicas.HighPowerSites.com, and dismissed without prejudice as to Defendant Herlinda Leizgold.

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6. IT IS FURTHER ORDERED that this Court shall retain jurisdiction to enforce any violation of this Final Order and Judgment on Consent.

7. THE CLERK TO CLOSE THIS CASE.

Dated: New York, New York
November 28, 2007

GUCCI AMERICA, INC. and CILLOE SAS,

By Howard S. Hogan
Robert Weigel (RW 0163)
Howard S. Hogan (HH 7995)
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Dated: New York, New York
November 28, 2007

HKIL ENTERPRISES,
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By Henlinda Leizgold
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Telephone: (713) 785-7551

IT IS SO ORDERED:

Richard M. Berman
HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE

Dated: 11/29/07
11/29/07